

**IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION**

Dated: Nainital: the 21st day of October, 2005

Ind Bail application no. 986 of 2005

Order on the bail application of accused

CRIMINAL SIDE

1. Santosh Kumar S/o Ramji Prasad
R/o Village Punha
P.S. Rohae
District Nalanda, Bihar
2. Surjeet Kumar @ Santosh
S/o Sarju Rai @ Saryug Yadav
R/o Patanpura
P.S. Gaurichal
District Patana (Bihar)
At present Village Sabbalpur
P.S. Didargang
District Patana (Bihar)

... Applicants

Versus

State of Uttaranchal

... Opposite Party

Arising out of Case Crime No.5480 of 2005
Under Sections 420, 467, 468, 471 I.P.C. &
2/3 Gangster Act
P.S. Haldwani
District Nainital

By the court

Hon'ble B.C. Kandpal, J

The applicants have applied for bail in case crime No. 5480 of 2005 under Sections 420, 467, 468, 471 I.P.C. & 2/3 Gangster Act, P.S. Haldwani, District Nainital.

Heard Smt. Pushpa Joshi, learned counsel for the applicants, learned A.G.A. and perused the record.

The applicant No. 2 – Surjeet Kumar had been granted bail in the same crime No. i.e. under Sections 420, 467, 468, 471 I.P.C. and not under Section 2/3 Gangster Act. Hence, this bail application has been moved by the applicant – Surjeet Kumar.

Learned counsel for the applicant has filed the order dated 07.10.2005, granting bail to Surjeet Kumar (applicant). As Surjeet Kumar has already been granted bail in the Case Crime No. 5480 of 2005 under Section 420, 467, 468, 471 I.P.C. Therefore, I find sufficient ground to enlarge him on bail in the same Case Crime No. under Section 2/3 Gangster Act.

As far as the case of applicant No. 1 – Santosh Kumar is concerned, it is to be noteworthy that all the other co-accused have been granted bail by way of various orders passed by this Court, the case of the applicant is also stands on similar footing.

Therefore, he is also entitled to be release on bail at this stage.

Let the applicants, namely, Santosh Kumar and Surjeet Kumar @ Santosh be released on bail on their executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of C.J.M. concerned.

(B.C. Kandpal, J.)

21.10.2005

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